

# EXHIBIT B

1

2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

4 -----X  
5 THOMAS HARTMANN,

6

PLAINTIFF,

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CV-04-1784 (ILG)(CLP)

8

-against-

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10 THE COUNTY OF NASSAU, NASSAU COUNTY POLICE  
11 DEPARTMENT, POLICE OFFICER KARL. L SNELDERS,  
12 POLICE OFFICER MICHAEL KNATZ, DEPUTY INSPECTOR  
13 ROBERT TURK, LIEUTENANT THOMAS ZAMOJCIN, POLICE  
14 OFFICER KEVIN W. SMITH, POLICE OFFICER PHILIP  
15 BRADY, DETECTIVE BARRY O. FRANKLIN, POLICE  
16 OFFICER THOMAS O. MCCAFFREY and "JOHN and JANE  
17 DOES 1-15" representing as yet unknown and  
18 unidentified police officers,

19

DEFENDANTS.

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21

DATE: May 18, 2005

22

TIME: 10:20 a.m.

23

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EXAMINATION BEFORE TRIAL of the

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Defendant, POLICE OFFICER KARL L. SNELDERS, taken  
by the Plaintiff, pursuant to an Order, held at  
the LAW OFFICES OF DANIEL J. HANSEN, ESQ., 233  
Broadway, New York, New York 10279, before a  
Notary Public of the State of New York.

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2 A P P E A R A N C E S:

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4 DANIEL J. HANSEN, ESQ.  
Attorneys for Plaintiff  
5 233 Broadway, 5th Floor  
New York, New York 10279  
6 BY: DANIEL J. HANSEN, ESQ.

7

8 LORNA B. GOODMAN, ESQ.  
NASSAU COUNTY ATTORNEY  
9 Attorney for the Defendants  
One West Street  
10 Mineola, New York 11501  
BY: BETHANY O'NEILL, ESQ.  
11 FILE NO.: 04X1628

12

ALSO PRESENT:

13

F. Daniel DeGronach

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Carl Sandel

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F E D E R A L S T I P U L A T I O N S

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IT IS HEREBY STIPULATED AND AGREED

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by and between the counsel for the respective

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parties hereto, that the filing, sealing, and

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certification of the within deposition shall

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be and the same are hereby waived;

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IT IS FURTHER STIPULATED AND AGREED

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that all objections, except as to the form

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of the question, shall be reserved to the times

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of the trial.

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IT IS FURTHER STIPULATED AND AGREED

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that the within deposition may be signed before

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any Notary Public with the same force and effect

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as if signed and sworn to before this court.

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2 K A R L S N E L D E R S, called as a witness,  
3 having been first duly sworn by a Notary Public of  
4 the State of New York, was examined and testified  
5 as follows:

6 EXAMINATION BY

7 MR. HANSEN:

8 Q. Please state your name for the record.

9 A. Karl Snelders.

10 Q. Where do you reside?

11 A. 1490 Franklin Avenue, Mineola, New York  
12 11501.

13 Q. Good morning, Mr. Snelders. My name is  
14 Dan Hansen and I represent Thomas Hartmann with  
15 respect to an accident that occurred on March 12,  
16 2004. I am going to be asking you some questions  
17 about yourself, about the incident, things about  
18 your background and things about what happened  
19 days prior to that accident. If you don't  
20 understand any of my questions, please let me know  
21 and I will rephrase the question so you will  
22 understand it, okay?

23 A. Okay.

24 Q. If at any time during today's deposition  
25 you would like to take a break, speak with your

1 SNELDERS

2 attorney, get a glass of water, use the mens room,  
3 whatever, let me know and you can do that, okay?

4 A. Yes.

5 Q. Are you currently employed?

6 A. Yes.

7 Q. Who do you work for?

8 A. Nassau County Police Department.

9 Q. How long have you been so employed?

10 A. Eighteen years.

11 Q. What did you do before working for the  
12 police department?

13 A. I worked at Shorham, S-H-O-R-H-A-M,  
14 Nuclear Power Plant.

15 Q. What did you do at Shorham Nuclear Power  
16 Plant?

17 A. Security supervisor.

18 Q. Prior to working for Nassau PD, did you  
19 work any police jobs?

20 A. No.

21 Q. What was your date of hire?

22 A. July 18th of 1986.

23 Q. And where were your first assigned?

24 A. Police academy.

25 Q. Did you undergo training at the police

1 SNELDERS

2 A. Not when I first came to work.

3 Q. From the time you first arrived to work,  
4 until you received your assignment?

5 A. I don't recall the time.

6 Q. Do you know, approximately, what time?

7 A. No.

8 Q. What time did Officer Sharp arrive at  
9 the 7th on March 12th?

10 A. Around 8:30.

11 Q. Did you meet Officer Sharp at the 7th  
12 Precinct that day?

13 A. Yes.

14 Q. What assignment were you given on the  
15 morning of the 12th?

16 A. We were looking for Thomas Hartmann and  
17 the car that he was driving. He had supposedly  
18 threatened his wife and a cop the night before and  
19 I think they were putting out notification, I  
20 believe, with information about his car and that  
21 he was possibly armed and dangerous.

22 Q. When were those notifications put out?

23 A. I believe they were put out over  
24 Frequency 5, which is the 4th and the 7th.

25 Q. Was information given in the morning

1 SNELDERS

2 when you first were given the assignment?

3 A. The information we were basically given  
4 was that he was supposedly a crack user so to look  
5 in some of the areas where crack is sold.

6 Q. Were you given any hand outs, bulletins  
7 or notices concerning Mr. Hartmann on the morning  
8 of 12th?

9 A. No.

10 Q. Were you given any documents or  
11 paperwork whatsoever, on the morning of the 12th?

12 A. No.

13 Q. At some point in time Mr. Hartmann was  
14 arrested; correct?

15 A. Yes.

16 Q. That was the evening of the 12th?

17 A. Yes.

18 Q. About what time?

19 A. I would have to look at the paperwork, I  
20 don't remember the exact time, 5:30ish.

21 Q. At any point in time, from the time you  
22 first were given the assignment concerning  
23 Mr. Hartmann, until the time of his arrest that  
24 evening on the 12th, were you ever given any type  
25 of paperwork, bulletins, documents, photos, any



1 SNELDERS

2 type of information on paper, printed or  
3 otherwise, concerning Mr. Hartmann?

4 A. I was shown a photo, but I don't think I  
5 had -- I don't believe we had a photo with us and  
6 I had gotten information from Officer Knatz who  
7 had spent a lot more time looking for him down in  
8 the Long Beach area.

9 Q. Do you know what photo you were shown?

10 A. I believe it was an old arrest photo.

11 Q. Where were you when you were shown the  
12 photo?

13 A. Down by his wife's house in Merrick.

14 Q. Who showed you the photo?

15 A. I believe it was Officer Brady.

16 Q. At what time was this?

17 A. It was after I dropped my partner off  
18 and I picked up Officer Knatz, some time before  
19 3:00 or around 3:30, I am not sure of the exact  
20 time.

21 Q. Who else was present?

22 A. I believe it was just -- I don't even  
23 know if it was Officer Brady, I don't recall who  
24 Officer Knatz was with right now, whoever he was  
25 doubled or tripled up with showed me a picture of

1 SNELDERS

2 him, I don't recall who he was tripled up with.

3 Q. Was he with Joe Hughes?

4 A. Again, I said I don't recall who he was  
5 with.

6 Q. On the morning of the 12th, when you  
7 were first given the assignment concerning  
8 Mr. Hartmann, what were your instructions or what  
9 was your assignment?

10 A. Try and locate him.

11 Q. Anything in particular?

12 A. Place him under arrest.

13 Q. Were you assigned to any particular  
14 physical or geographical location?

15 A. We went to Roosevelt, Freeport and  
16 Hempstead areas.

17 Q. Let's go back to when the call came over  
18 the radio, how was it that you were communicating  
19 that particular day on the 12th, were you using  
20 the various communication devices that you  
21 mentioned before; the pager, the cell phone, the  
22 police radio and all that?

23 A. Yes.

24 Q. Now, did you have any particular name or  
25 sign or badge number that you were known as over

1 SNELDERS

2 the radio, were you Snelders, 921, your badge  
3 number?

4 A. 921.

5 Q. You were just 921?

6 A. That's correct.

7 Q. Now, if there are two officers in the  
8 car, are they collectively known as 921?

9 A. Yes.

10 Q. Did you have any nicknames at any point  
11 in time while on the job?

12 A. Not that I can recall.

13 Q. Have you ever been known as The Hammer?

14 A. People have used that, yes.

15 Q. How long have you been known as The  
16 Hammer?

17 A. That was after an incident where they  
18 arrested somebody for stabbing his girlfriend and  
19 he tried to stab me and instead of doing anything  
20 else, I punched him in the face and broke his jaw  
21 in two places. When he went to Grand Jury, his  
22 claim was that his girlfriend hit him in the face  
23 with a hammer and that is where the nickname came  
24 from.

25 Q. How many years have you been known as

1 SNELDERS

2 The Hammer?

3 A. I don't consider it a nickname, but I  
4 was still in uniform.

5 Q. You have been called The Hammer since  
6 you have been in uniform, so at least thirteen  
7 years?

8 A. Yes.

9 Q. Are there any other names you are known  
10 by, any other names people call you on the job?

11 A. Not that I know of.

12 Q. Anything else?

13 A. No.

14 Q. Have you been assigned in any other  
15 cars, other than being assigned to car number 921?

16 A. In BSO?

17 Q. Yes.

18 A. No.

19 Q. You have always been 921?

20 A. As long as I have been there, yes.

21 Q. Is that something Officer Sharp carried  
22 with him?

23 A. Yes, periodically I have been in other  
24 cars, you know, when he is off, I work with other  
25 people but...

1 SNELDERS

2 Q. What time did you leave the 7th on  
3 March 12, 2004?

4 A. I don't recall the time.

5 Q. Do you know if you left before  
6 lunchtime, before noon?

7 A. Yes.

8 Q. Where was the first place you went upon  
9 leaving the precinct on March 12, 2004?

10 A. I don't know exactly where we went right  
11 away.

12 Q. Did you have your spiral book that day?

13 A. Yes.

14 Q. And you made notes that day, I assume,  
15 to keep track of what you were doing?

16 A. No.

17 Q. Did you write down, generally, what you  
18 are doing on a particular day?

19 A. No.

20 Q. Where is the book today?

21 A. It's probably in 921.

22 Q. You mentioned before you went to  
23 Roosevelt, Freeport and Hempstead, do you know  
24 where you went first?

25 A. No.

1 SNELDERS

2 Q. You also mentioned Merrick before and  
3 you also mentioned Officer Sharp, we have five  
4 places; right?

5 A. Yes.

6 Q. Do you know which of these five places  
7 you went to first?

8 A. Probably Roosevelt.

9 Q. Is that the closest to the 7th?

10 A. Freeport is the closest one, we know  
11 Roosevelt pretty well so...

12 Q. What did you do in Roosevelt?

13 A. Went around to the known crack locations  
14 to see if we could see the car.

15 Q. What were you told, specifically, to do  
16 that day, were you told to go look for Hartmann?

17 A. No, there was something broadcasted over  
18 the radio that he was wanted and I don't remember  
19 who told us that he was, somebody told us that he  
20 was possibly a crack user. So, usually crack  
21 users go to places where they could get crack, so  
22 we decided to ride around in those areas to try  
23 and spot the car.

24 Q. Who told you he was a crack user?

25 A. Again, I said I don't recall.

1 SNELDERS

2 Q. What other information did you have  
3 concerning Mr. Hartmann on the morning of March  
4 12th?

5 A. Other than I had his name, the type of  
6 car and the plate number of the car and that was  
7 basically it and I think we knew the address that  
8 his wife lived at and I think there was a caper  
9 alarm installed in there.

10 Q. Did you have any other assignments on  
11 the day of the 12th?

12 A. No.

13 Q. Did you engage in any general patrols  
14 that you mentioned before?

15 A. Just riding in those areas looking for  
16 his car, that was it.

17 Q. Did you have any assignments that  
18 overlapped with the assignment to find  
19 Mr. Hartmann's car?

20 A. Not that I can recall.

21 Q. Do you know what type of offence  
22 Mr. Hartmann was wanted for; a misdemeanor,  
23 felony, violation or something else?

24 A. I knew it was misdemeanors.

25 Q. This is as of the morning of the 12th

1 SNELDERS

2 you knew it was misdemeanors?

3 A. Yes.

4 Q. Did that knowledge change at any point  
5 during the day?

6 A. No, it was misdemeanors, but the threat  
7 too.

8 Q. Did you understand what the misdemeanors  
9 were?

10 A. Yes, one was he threatened to kill a  
11 cop.

12 Q. Do you know the facts surrounding that?

13 A. Not particularly.

14 Q. Did you ever let it be known that if you  
15 did find Mr. Hartmann, he would be hurt?

16 A. What?

17 Q. Did you ever let it be known that if you  
18 did find Mr. Hartmann, he would be hurt?

19 A. No.

20 Q. Do you know what police officer  
21 Mr. Hartmann allegedly threatened, who that was?

22 A. No, I don't.

23 Q. During the course of the day on  
24 March 12, 2004, from the time that you were first  
25 given this assignment to look for Mr. Hartmann,



1 SNELDERS

2 until the time of his arrest, did you acquire or  
3 learn any other information concerning  
4 Mr. Hartmann?

5 A. When I picked up Officer Knatz, he had  
6 spent a lot of the day down in the Long Beach area  
7 looking for him and talked to several Long Beach  
8 police officers that said they knew Thomas  
9 Hartmann.

10 Q. What information did you acquire during  
11 the day, whether it be from Officer Knatz or  
12 anybody else?

13 A. That he was a violent person.

14 Q. Anything else?

15 A. That he could possibly be armed.

16 Q. Anything else?

17 A. Some of his arresting background, he had  
18 been arrested before.

19 Q. What is your understanding of what his  
20 background was?

21 A. Assault, arson, burglary, attempted  
22 murder.

23 Q. Anything else that you came to learn  
24 that day?

25 A. Not that I recall.

1 SNELDERS

2 Q. Is all the information that you learned  
3 concerning Mr. Hartmann on the 12th, did all of  
4 that come from Officer Knatz or were there any  
5 other sources of information that you received?

6 MS. O'NEILL: Other than what he already  
7 testified about?

8 MR. HANSEN: Correct.

9 A. I got some information from -- that's  
10 why we were sent down to a prior location from  
11 Sergeant DeMartinis that he might be showing up at  
12 that location.

13 Q. When did you first speak with or see  
14 Sergeant DeMartinis on the 12th of March?

15 A. I didn't speak with him personally until  
16 later on that night.

17 Q. Did you see him that day or speak with  
18 him over the radio or any other way?

19 A. No.

20 Q. How did you acquire the information  
21 about Brower Avenue?

22 A. I was asked to call my office and that's  
23 when they had an assignment for me to pick up  
24 Officer Knatz and to go down to that location.

25 Q. What time was that?

1 SNELDERS

2 A. Late in the afternoon, I don't recall  
3 exactly.

4 Q. When you dropped off Officer Sharp, did  
5 you know you were going to be picking up Officer  
6 Knatz?

7 A. Yes.

8 Q. So it was before you dropped off Officer  
9 Sharp that you got the call that you were going to  
10 be picking up Officer Knatz next?

11 A. That's why I dropped Officer Sharp off  
12 because I had to go down to Merrick to pick up  
13 Officer Knatz and go down to Brower Avenue.

14 Q. Who did you speak with that gave you  
15 this information, Sergeant Martinez you said?

16 A. No, somebody in my office, I don't  
17 recall.

18 Q. This was in BSO in the 7th or --

19 A. No, in Westbury, one of the officers who  
20 was assigned to the radio room.

21 Q. Is that like a desk officer type?

22 A. No, it's a police officer that is just  
23 assigned -- he gives out information.

24 Q. Now, what were you told about Brower  
25 Avenue?

1 SNELDERS

2 A. We were told to respond down there, they  
3 gave us the address and we responded down there  
4 and sat on that location, that he possibly might  
5 be heading to that location.

6 Q. And what time was this that you headed  
7 down to Brower Avenue?

8 A. After I dropped my partner off, so it  
9 was probably around 3:00, 3:30, I am not sure of  
10 the exact time.

11 Q. So you dropped off your partner, I am  
12 not going to ask you where he lives, but in what  
13 general vicinity does he live?

14 A. Not too far from Merrick.

15 Q. You would have been in the Merrick area  
16 when you went to pick up Officer Knatz?

17 A. That's correct.

18 Q. And then you went to Brower Avenue?

19 A. Correct.

20 Q. Any particular address or location at  
21 Brower Avenue?

22 A. I don't recall the number of the house.

23 Q. Any particular intersection?

24 A. I don't remember the name of the street,  
25 but it was the first street over the bridge into

1 SNELDERS

2 A. No, I didn't.

3 Q. Did Officer Knatz unholster his weapon?

4 A. I don't recall, I didn't see him.

5 Q. During the entire time, from the time  
6 you first saw the SUV approaching your rear-view  
7 mirror while on Brower, until the time that  
8 Mr. Hartmann started the SUV after you backed up,  
9 did you make any radio transmissions?

10 A. I didn't, I believe Officer Knatz did.

11 Q. What was his transmission?

12 A. That he was with the subject vehicle at  
13 the Brower Avenue location -- I don't know exactly  
14 what he said I know he put it over that we had the  
15 car.

16 Q. Did he say anything else?

17 A. I don't recall what he said.

18 Q. Did you request assistance?

19 A. I didn't think we did at that time, I am  
20 not sure.

21 Q. At that point in time, did you feel any  
22 threats on your life?

23 A. Yes.

24 Q. If you felt a threat on your life, is  
25 there a reason you didn't request any assistance?

1 SNELDERS

2 A. It took seconds.

3 Q. As you were sitting at that location and  
4 during the seconds that you were traveling, did  
5 anybody ever request assistance over the radio?

6 A. We didn't have time to yet.

7 Q. During the time that you pulled up next  
8 to the vehicle and during the time that you backed  
9 up from the SUV, did anybody ever call for  
10 assistance?

11 A. No.

12 Q. When Officer Knatz made the transmission  
13 that you had the vehicle, was there anything  
14 preventing him from also saying the words, "Please  
15 give us assistance"?

16 A. I don't know if he didn't.

17 Q. If an officer feels his or her life is  
18 threatened, is there a practice or procedure  
19 within the department, in your 18 years on the  
20 job, as far as requesting assistance for backup?

21 A. You have to repeat the question.

22 Q. If you feel your life was threatened as  
23 a police officer and you are in a situation with a  
24 suspect, is it your practice and procedure to  
25 request assistance?

1 SNELDERS

2 A. When you have time to.

3 Q. So it's your position you didn't have  
4 the time or Officer Knatz didn't have time to get  
5 on the radio?

6 A. That's correct.

7 Q. Officer Knatz had the time to get on the  
8 radio to say he had the vehicle?

9 A. That's as we were approaching his car,  
10 yes.

11 Q. Was there anything preventing him to  
12 say, "Send help"?

13 A. There was no threat yet.

14 Q. What about when you left the area, did  
15 anybody request assistance during that time?

16 A. Left what area, when?

17 Q. After Mr. Hartmann left the Brower  
18 Avenue location from the stop, did you request  
19 assistance at this time?

20 A. After he had already threatened us once,  
21 yes.

22 Q. After you left Brower Avenue, where did  
23 you go next?

24 A. We continued northbound on that block  
25 and that block curves to the left westbound and --

1 SNELDERS

2 front, the rear or some place else?

3 A. Outside the door with the door closed.

4 Q. How far was he from the SUV?

5 A. A couple of feet.

6 Q. Which direction was he facing?

7 A. He was looking at us, he was facing  
8 westbound.

9 Q. At some point in time, did you stop your  
10 vehicle?

11 A. Yes.

12 Q. And when you came to a stop, what, if  
13 anything, happened next in terms of your action?

14 A. Mine, I stopped the car, Officer Knatz  
15 opened the door and started to get out or got out  
16 and I don't remember what he said, something along  
17 the lines of, you know, "It's going to be a foot  
18 pursuit now."

19 Q. What happened?

20 A. Mr. Hartmann, rather than running away,  
21 ran towards my car -- the front of my car and came  
22 up to the driver's side window.

23 Q. And where was your partner?

24 A. He was out of the car, I didn't know  
25 where he was at.



1 SNELDERS

2 Q. And where were you?

3 A. I was still seated in the car seat  
4 belted in. .

5 Q. How much time elapsed, from the time you  
6 came to a full stop, until the time Mr. Hartmann  
7 came up to your driver's side window?

8 A. Seconds.

9 Q. Was your window still open?

10 A. Yes.

11 Q. Can you describe the manner in which he  
12 approached the car, did he walk, run?

13 A. He was running.

14 Q. And is there a reason that you didn't  
15 get out of the car?

16 A. I didn't have time to.

17 Q. Officer Knatz had time?

18 A. Yes.

19 Q. And he was fully out of the car?

20 A. Yes.

21 Q. As Mr. Hartmann approached your car and  
22 got to your driver's side window, was Officer  
23 Knatz's door opened or closed; in other words, was  
24 the passenger door opened or closed?

25 A. It was closed.

1 SNELDERS

2 Q. So Officer Knatz had time to open the  
3 door, get out, close the door and go to the back  
4 of the car?

5 A. I didn't say he went to the back of the  
6 car, I don't know where he was, I know he got out  
7 of the car, he thought he was going to have to  
8 chase him, but instead, he came towards us.

9 Q. Did Officer Knatz say anything to  
10 Mr. Hartmann at the scene on Allen Avenue?

11 A. I didn't hear anything.

12 Q. Did you say anything to either Officer  
13 Knatz or to Mr. Hartmann during the entire time  
14 that you were at Allen Avenue?

15 A. No, I didn't say anything to him.

16 Q. Did he say anything to you?

17 A. He was yelling and cursing something  
18 along the lines, "What is the matter, what are  
19 you, a pussy," and that's as he came up to my  
20 window. I started to lean towards the passenger  
21 seat, put my hands up because when he came to the  
22 window he had his hand in his waistband again and  
23 I thought he was going to pull a gun out and  
24 shoot.

25 I put my hands up, ducked down towards

1 SNELDERS

2 the passenger seat reaching over to the side panel  
3 where I kept mace and I was reaching for it.

4 Q. The passenger side?

5 A. Yes.

6 Q. Where was the mace kept in the passenger  
7 side of the police car?

8 A. In the pocket, in the door.

9 Q. Was anything else said, other than what  
10 you just told me?

11 A. He said to me he was going to -- again,  
12 he said the same words, "You better shoot me  
13 before I shoot you."

14 Q. Which hand was in his waistband?

15 A. His right hand.

16 Q. When did he put his hand in his waist  
17 band?

18 A. As he was approaching my window.

19 Q. How far was he from you, when he put his  
20 right hand in his waistband?

21 A. A couple of feet.

22 Q. Two or three feet?

23 A. Yes.

24 Q. Did you see him put his hand in his  
25 waistband?

1 SNELDERS

2 A. Yes.

3 Q. Did he lift his shirt to put his hand in  
4 his waistband?

5 A. He put his hand under his shirt, not  
6 really lifting it.

7 Q. Did you see any indication of any weapon  
8 or anything like that?

9 A. I couldn't, no.

10 Q. Did you see any bulge, silhouette or  
11 anything in Mr. Hartmann's hand, at any point in  
12 time?

13 A. No, because his sweatshirt covered -- it  
14 was so far down, I couldn't see anything, it was  
15 down almost to his crotch area.

16 Q. You didn't see anything, at all, no sign  
17 of a weapon?

18 A. No.

19 Q. At any point in time during this period  
20 where Mr. Hartmann was next to your driver's side  
21 window, did you hear Officer Knatz say anything?

22 A. No.

23 Q. Did you know where he was?

24 A. No.

25 Q. Where was Officer Knatz the next time

1 SNELDERS

2 you saw him or had an awareness of where he was?

3 A. Where I thought he was?

4 Q. Any type of awareness, either heard him  
5 or saw him?

6 A. As I was reaching for the mace and I had  
7 my hand up and ducking, I was watching  
8 Mr. Hartmann, I saw him look towards the rear of  
9 the car and run back towards his car, I figured he  
10 must have seen Officer Knatz come around from the  
11 back of the car, that was my thought.

12 Q. You were ducking down in your car?

13 A. Yes.

14 Q. Across the front seat; right?

15 A. Yes.

16 Q. And you were reaching towards the  
17 passenger side door pocket?

18 A. Yes.

19 Q. And you looked up and saw Mr. Hartmann  
20 looking towards the back of the car?

21 A. Yes.

22 Q. How close was he to the car when you saw  
23 him doing this?

24 A. He was almost in the window.

25 Q. Was he standing up, bent down or

1 SNELDERS

2 something else?

3 A. He wasn't completely standing, he was  
4 semi crouched.

5 Q. Did you hear Mr. Hartmann say anything  
6 to Officer Knatz?

7 A. No.

8 Q. At this point in time, was your car in  
9 park, driving or something else?

10 A. Parked.

11 Q. Do you know why Officer Knatz got out of  
12 the car?

13 A. He thought he was going to have to chase  
14 him.

15 Q. How long did Mr. Hartmann remain at your  
16 driver's side window?

17 A. Seconds.

18 Q. How many seconds?

19 A. I don't recall.

20 Q. At some point in time, did he leave your  
21 driver's side window?

22 A. Yes.

23 Q. What, if anything, did he do?

24 A. He got backup and he started, not  
25 running, but walking real fast towards his car and

1 SNELDERS

2 I put the car back in drive and I started creeping  
3 slowly forward.

4 Q. What rate of speed were you going?

5 A. Slow, not even a mile, like, real slow.

6 Q. Not even a mile an hour?

7 A. Real slow.

8 Q. Would that be true, not even a mile an  
9 hour?

10 A. Yes.

11 Q. And at that point in time when you first  
12 started creeping your car along not even one mile  
13 per hour, what distance separated the front of  
14 your car from the rear of the SUV?

15 A. I don't recall how far.

16 Q. Do you know, approximately, how many car  
17 lengths?

18 A. No.

19 Q. Where was Mr. Hartmann when you first  
20 put your car back in drive, when you started  
21 creeping along?

22 A. He was almost by the driver's side of  
23 his car.

24 Q. Where was his right hand?

25 A. I don't remember seeing it.

1 SNELDERS

2 Q. Do you know where his left hand was?

3 A. No.

4 Q. Do you know where Officer Knatz was at  
5 that point when you put your car in drive?

6 A. No.

7 Q. Did you see Mr. Hartmann get back into  
8 his car?

9 A. No, I didn't.

10 Q. Where was he in relation to his SUV as  
11 you were creeping along in your car?

12 A. I said he started going towards the  
13 driver's side of his car, but he went around the  
14 front of it instead.

15 Q. Did he stop, at all, by his SUV, from  
16 the time he left your window or did he continue  
17 away from your patrol car?

18 A. He stopped when he got to the front of  
19 his SUV.

20 Q. As he was going towards the SUV, what  
21 direction was he facing?

22 A. He was going sort of Southeast.

23 Q. So his body was facing --

24 A. Away.

25 Q. Towards the SUV?



1 SNELDERS

2 A. Yes.

3 Q. And towards the direction of traffic you  
4 were going?

5 A. Sort of, but he was going off to the  
6 right, he was kind of still going straight.

7 Q. When you say off to the right, off  
8 towards the front of the SUV and towards the curb  
9 that the SUV was somewhat adjacent to?

10 A. Yes, but off a ways.

11 Q. You said the front of the SUV was  
12 pointed towards the curb, now you are telling me  
13 he wasn't?

14 A. It was pointed just a little bit -- the  
15 front was closer to the curb than the rear, it was  
16 a foot or two on a slight angle, it was out in the  
17 roadway several feet. I am not sure of the exact  
18 distance.

19 Q. How far was the front of the SUV from  
20 the curb, the nearest point of the SUV to the  
21 curb?

22 A. I don't know the exact distance, it's on  
23 that diagram.

24 Q. When Mr. Hartmann went back towards the  
25 SUV, did he continue away from you?

1 SNELDERS

2 A. Until he got to the front of the SUV,  
3 then he stopped.

4 Q. What happened next?

5 A. He turned around semi facing me now and  
6 he reached down into his waistband again, but this  
7 time it looked like he stuck his hand further down  
8 into his pants, I lost more sight of his arm.

9 Q. Did you see his pants?

10 A. No, I couldn't see his pants.

11 Q. When he walked away, did he remove his  
12 right hand from his waistband?

13 A. I didn't see him do that, when he turned  
14 around his hands were out, when I started  
15 approaching him, he stuck it back down.

16 Q. When his hands were out, were they  
17 empty?

18 A. Yes.

19 Q. When he stopped in front of the SUV, did  
20 he say anything as he put his hand back in his  
21 waistband?

22 A. No.

23 Q. Where was he positioned in relation to  
24 the SUV?

25 A. He was probably in the middle of the SUV

1 SNELDERS

2 -- maybe -- I am not sure of the exact distance,  
3 he was five to ten feet in front of the SUV.

4 Q. And where was your car at this point in  
5 time, at this particular moment, when he first put  
6 his hand back into his waistband when he was in  
7 front of the SUV?

8 A. I had just started turning towards the  
9 SUV.

10 Q. Had the front of your patrol car reached  
11 the front of the SUV at that point in time?

12 A. Not yet.

13 Q. In relation to the SUV, where was the  
14 front of your car as he put his hand in his  
15 waistband while he stood in front of the SUV, had  
16 you reached the rear door, the rear quarter panel,  
17 the front door, the front quarter panel or  
18 something else at that particular moment?

19 A. I wasn't going straight, I was going  
20 slightly on an angle towards the car, I wasn't  
21 really looking where the SUV was, I was just  
22 watching him.

23 Q. Where were you in relation to him as he  
24 put his hand in his waistband, what distance?

25 A. Again, I am not sure of the exact

1 SNELDERS

2 distance.

3 Q. Can you approximate for me?

4 A. It was under ten feet.

5 Q. You were under ten feet from where  
6 Mr. Hartmann was located in front of his SUV?

7 A. Yes.

8 Q. Did you continue going forward as he  
9 reached into his waistband while he was in front  
10 of the SUV?

11 A. Yes.

12 Q. Did you continue at the same speed, the  
13 one mile per hour or under?

14 A. Yes.

15 Q. From the time that you first put your  
16 car into gear, until the time that you saw  
17 Mr. Hartmann reach into his waistband, how much  
18 time had elapsed?

19 A. I don't recall the exact amount of time.

20 Q. Now, as you saw Mr. Hartmann reach into  
21 his waistband, what, if anything, did you do next?

22 A. I continued towards him and he started  
23 to back up a little bit and he started to pull his  
24 hand out of his pants and as he started to pull  
25 his hand out of the pants, I gunned the engine and

1 SNELDERS

2 I cut the wheel to the right so I hit him with the  
3 front right quarter panel of the car, right about  
4 at the curbline.

5 Q. Was he right at the curb when you hit  
6 him?

7 A. Close to it, I am not sure exactly, he  
8 was fairly close to the curb.

9 Q. In which direction was he facing when  
10 you hit him?

11 A. He was facing North.

12 Q. What part of your car hit Mr. Hartmann?

13 A. Front right quarter panel.

14 Q. Where in relation to the right front  
15 wheel?

16 A. It was close to the right.

17 Q. Was it in front of the wheel, behind the  
18 wheel, at the wheel well?

19 A. It wasn't behind the wheel, it was  
20 either the middle to the front, somewhere around  
21 there.

22 Q. From the time that Mr. Hartmann left the  
23 driver's side window of your RMP, until the time  
24 that he was struck by your RMP, did he remain  
25 standing erect that entire time or upright?

1 SNELDERS

2 A. Not really.

3 Q. What changed?

4 A. When he was at the front of his car, he  
5 was semi crouched, bent over a little bit and  
6 reaching for something in his waistband.

7 Q. Was he moving in a direction at this  
8 point?

9 A. Stepping back, but slowly back peddling  
10 a bit.

11 Q. Where was Officer Knatz at this time?

12 A. I don't know.

13 Q. When was the next time that you saw  
14 Officer Knatz?

15 A. After I hit Mr. Hartmann, he went over  
16 the curb to the front lawn, I got out and I saw  
17 Officer Knatz standing over Mr. Hartmann holding  
18 him at gunpoint.

19 Q. At any point in time while you were at  
20 the scene as you were creeping your car forward at  
21 the one mile an hour or so, did you unholster your  
22 weapon?

23 A. No, I didn't.

24 Q. Did you get out of car?

25 A. No, I didn't.

1 SNELDERS

2 Q. Is there any reason you did not  
3 unholster your weapon?

4 A. I didn't have time to.

5 Q. How much time would it take you as a BSO  
6 officer trained in tactical maneuvers, how much  
7 time would it take you to unholster your weapon as  
8 you were sitting in the car?

9 A. I don't know.

10 Q. How much time does it take you to  
11 unholster a weapon?

12 A. Each situation is different.

13 Q. As you are sitting in the car, how much  
14 time does it take you to unholster your weapon?

15 A. I just answered that, I don't know how  
16 long it would take me.

17 Q. Does it take a minute?

18 MS. O'NEILL: On the day of the accident  
19 or any instance?

20 MR. HANSEN: Any time.

21 MS. O'NEILL: I think he already  
22 testified every instance is different.

23 Q. How is it different, what is the  
24 variable?

25 A. I was seat belted in, I had a shirt over

1 SNELDERS

2 my holster, my gun, I would have to remove the  
3 seat belt, remove the shirt or get under the  
4 shirt.

5 Q. How long would that all take to get the  
6 weapon out?

7 A. I don't know.

8 Q. Was it your intention to hit  
9 Mr. Hartmann with the car?

10 A. Yes, it was.

11 Q. Was it your intention to run him over?

12 A. No.

13 Q. Did you run him over?

14 A. Yes, I believe I did.

15 Q. Which wheel of the car ran Mr. Hartmann  
16 over?

17 A. I don't know, I went up and over the  
18 curb and I ended up on the front lawn.

19 Q. Was it your expressed purpose to strike  
20 him with the car?

21 A. It was my purpose to stop him from  
22 pulling out what I thought was a handgun.

23 Q. Did you hit him intentionally?

24 A. Yes.

25 Q. What part of Mr. Hartmann's body was hit



1 SNELDERS

2 by your car?

3 A. I believe probably around mid legs.

4 Q. Did you hit the front of his legs, the  
5 side of his legs or the back of his legs?

6 A. Front.

7 Q. Did Mr. Hartmann go down immediately  
8 when you struck him?

9 A. Yes, he went backwards landing on his  
10 back. The last time I saw him, he was going face  
11 towards me down onto his back.

12 Q. And how did he come to a rest on his  
13 front or back?

14 A. I don't know, I didn't see him. Once he  
15 went down passed the quarter panel, I didn't see  
16 him.

17 Q. How much time elapsed from the time you  
18 gunned the engine, until the time you hit  
19 Mr. Hartmann?

20 A. I don't know.

21 Q. How much distance did you travel, from  
22 the time you gunned the engine, until the time you  
23 hit Mr. Hartmann?

24 A. I don't know the exact distance.

25 Q. Do you know the approximate distance?

1 SNELDERS

2 A. No.

3 Q. The time that you gunned the engine,  
4 where was your car in relation to the SUV?

5 A. Almost perpendicular to it.

6 Q. Was the front of your car passed the  
7 front of the SUV?

8 A. Yes.

9 Q. And approximately, what distance  
10 separated the nearest part of your car, to the  
11 nearest part of the SUV, was it a car length?

12 A. I don't recall the exact distance.

13 Q. The approximate distance is fine?

14 A. It's all on the diagram that we did with  
15 crime scene.

16 Q. Officer Snelders, you are trained as an  
17 observer; right?

18 A. Yes.

19 Q. You are trained for time and  
20 observation?

21 A. That's correct.

22 Q. What distance separated your car, when  
23 you gunned the engine, to the nearest point of the  
24 SUV?

25 A. I am not sure of the distance, when it

1 SNELDERS

2 was all over we tried to put it back together as  
3 best we could.

4 Q. Tell me the approximate distance?

5 A. I can't, I don't know what it was.

6 Q. Approximately, what distance did your  
7 car travel after you struck Mr. Hartmann?

8 A. Again, I don't know how far it went.

9 Q. How much time elapsed, from the time you  
10 struck Mr. Hartmann, until you came to a stop?

11 A. It's all a matter of seconds, I don't  
12 know.

13 Q. Approximately, how many seconds?

14 A. I am not going to get into that again.

15 Q. At what rate of speed were you traveling  
16 when you struck Mr. Hartmann?

17 A. Between five and eight miles an hour,  
18 somewhere around there, you know, from going to  
19 almost a dead stop and gunning the motor and going  
20 a short distance.

21 Q. When you gunned the engine, was  
22 Mr. Hartmann saying anything?

23 A. No.

24 Q. Was there anything preventing you from  
25 backing up?